



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,202	01/29/2001	Matthew A. Huras	CA9-1999-0047US1/1796P	7317

7590 06/19/2003
SAWYER LAW GROUP LLP
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER

ALAM, SHAHID AL

ART UNIT	PAPER NUMBER
----------	--------------

2172

DATE MAILED: 06/19/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,202

Applicant(s)

HURAS ET AL.

Examiner

Shahid Al Alam

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,18,30-34,38,44-47,51 and 57-59 is/are rejected.
- 7) ☒ Claim(s) 2-17,19-29,35-37,39-43,48-50 and 52-56 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2172

DETAILED ACTION

1. Claims 1 – 59 are pending in this office action.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement filed 28 August 2001 has been considered.

Drawings

4. This application, filed under former 37 CFR 1.60, lacks formal drawings. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings. In unusual circumstances, the formal drawings from the abandoned parent application may be transferred by the grant of a petition under 37 CFR 1.182.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Art Unit: 2172

Claims 30, 31, 44, 45, 57 and 58 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent Number 5,933,820 issued to Harley Beier et al. ("Beier").

With respect to claims 30, 44 and 57, Beier teaches vacate move step to move data records from move pages in the table (column 5, lines 1 – 6); and

a fill move step to move data records into move pages in the table (column 5, lines 1 – 6).

As to claims 31, 45 and 58, each move step comprises the step of defining temporary pointers from the original position of each moved record to the moved position of the moved record (column 5, lines 1-6).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 2172

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 18, 32 – 34, 38, 46, 47, 51 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beier.

With respect to claims 1, 34 and 47, Beier teaches moving a subset of records within the database table (column 5, lines 1 – 6); flagging each moved record as a reorganization record (column 6, lines 55 – 60); creating a reorganization pointer record for each moved record at the initial location of the moved record, the reorganization pointer record pointing to the new location of the moved record (abstract).

Beier does not explicitly disclose establishing scanner process constraints based on whether a scanner process is commenced prior to or after the moving; however, Beier includes using direct pointers result in a multi-step reorganization process . . . a prefix update utility, column 3, lines 37 – 46 and see also column 15, lines 37 – 50).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate a scanner process to Beier teaching in order to improve data availability.

With respect to claims 18, 38 and 51, Beier teaches a vacate move step (column 5, lines 1 – 6); a vacate clean up step (column 1, lines 36 – 39); a fill move step (column 5, lines 2 – 6).

Beier does not explicitly disclose a fill clean up step wherein each clean up step is synchronized to commence at the completion of a move step and to commence only when all queries launching scanner processes commenced before the completion of a

Art Unit: 2172

move step have completed and each move step is synchronized to commence at the completion of a clean up step and to commence only when all queries launching scanner processes after the completion of a previous move step have completed; however, Beier includes using direct pointers result in a multi-step reorganization process . . . a prefix update utility . . . the work files are combined into a sort. see column 3, lines 37 – 63 and see also column 15, lines 37 – 50).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate a scanner process to Beier teaching in order to improve data availability.

As to claims 32 and 46, Beier teaches all limitations as recited except selected scanners to be constraint; however, Beier includes using direct pointers result in a multi-step reorganization process . . . a prefix update utility, column 3, lines 37 – 46 and see also column 15, lines 37 – 50).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate a scanner process to Beier teaching in order to improve data availability.

As to claim 33, the database table comprises overflow pointer records and the original position of a moved record from which a temporary pointer points (abstract).

The subject matter of claim 59 is rejected in the analysis above in claims 32 and 33.

Art Unit: 2172

Allowable Subject Matter

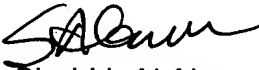
7. Claims 2 – 17, 19 – 29, 35 – 37, 39 – 43, 48 – 50 and 52 – 56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Al Alam whose telephone number is (703) 305-2358. The examiner can normally be reached on Monday - Thursday 8:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (703) 305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Shahid Al Alam
Primary Examiner
Art Unit 2172

SAA
June 16, 2003